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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1996/70

GE.97-10416 (E)

Introduction

1. At its fifty-second session, the Commission on Human Rights adopted resolution 1996/70, entitled "Cooperation with representatives of United Nations human rights bodies". In this resolution, the Commission reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who sought to cooperate with the United Nations and representatives of its human rights bodies and at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms, urged Governments to refrain from all acts of intimidation or reprisal against: (a) those who sought to cooperate or had cooperated with representatives of United Nations human rights bodies, or who had provided testimony or information to them; (b) those who availed or had availed themselves of procedures under United Nations auspices for the protection of human rights and fundamental freedoms and all those who had provided legal assistance to them for that purpose; (c) those who submitted or had submitted communications under procedures established by human rights instruments; and (d) those who are relatives of victims of human rights violations.

2. The Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way and to help prevent the occurrence of such intimidation or reprisals. The same bodies were also asked to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard.

3. The Commission invited the Secretary-General to submit to the Commission at its fifty-third session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution.

I. INFORMATION RECEIVED PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 1996/70 AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES

4. This section contains a summary of the information received pursuant to resolution 1996/70. It covers a variety of situations in which persons have been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, availed themselves of international procedures, provided legal assistance for this purpose, and/or for being relatives of victims of human rights violations.

5. In cases in which the victims, whether individuals or organizations, had been in contact with one of the bodies or mechanisms of the Commission on Human Rights, action was taken for their protection by the pertinent body or the representative in charge of the relevant mandate of the Commission. In

the majority of cases urgent communications were addressed to the Government concerned. The prompt intervention procedure is described in a previous report to the Commission (see E/CN.4/1992/29, paras. 14-18). The replies received from two Governments to these communications have also been included in the present report.

6. It is to be emphasized that information included in this report is also reflected in the latest reports presented by each mechanism to the General Assembly or the Commission on Human Rights.

A. Human Rights Committee

7. In its concluding observations regarding Nigeria (CCPR/C/79/Add.65), the Human Rights Committee took note of allegations according to which two members of the Civil Liberty Organization were prevented by the State Security Service from attending the fifty-sixth session of the Committee and had their passports impounded. The Committee stated that "preventing persons from leaving their country violates article 12 (2) of the Covenant and is incompatible with the State's obligation to cooperate with the Committee (...)" (para. 24).

B. Special Rapporteur on extrajudicial, summary or arbitrary executions

8. During the period under review, the Special Rapporteur continued to send urgent appeals on behalf of persons who had allegedly received death threats for having availed themselves of United Nations procedures for the protection of human rights (see E/CN.4/1997/60 and Add.1). In these communications he requested the concerned Governments to investigate the allegations and to inform him about steps taken to ensure the effective protection of the right to life and physical integrity of those under risk.

1. Colombia

9. The Special Rapporteur transmitted an urgent appeal on 24 April 1996 on behalf of Gustavo Gallón Giraldo, director of the Comisión Colombiana de Juristas and father Javier Giraldo Moreno, director of the Comisión Intercongregacional de Justicial y Paz, following a newspaper publication in which they were accused of providing information to the High Commissioner on Human Rights with the aim of damaging the image of the armed forces.

2. Nigeria

10. On 6 May 1996, the Special Rapporteur sent an urgent appeal to the Government of Nigeria drawing the attention of the Government to information indicating that Innocent Chukwuma, coordinator of international lobby projects of the Civil Liberties Organization, a human rights organization based in Lagos, had reportedly been subjected to harassment and intimidation by members of the Nigerian delegation during the fifty-second session of the Commission on Human Rights. In a response by the Government of Nigeria to the Special Rapporteur, the Government stated that the allegation was totally false and without substance. Innocent Chukwuma had never been threatened nor harassed

and had even attended receptions organized by the Nigerian delegation. The Government believes that the allegation was intended to cause mischief (see also E/CN.4/1997/62).

3. Pakistan

11. The Special Rapporteur sent an urgent appeal on 23 July 1996 on behalf of Tariq Hasan, who was reportedly threatened by Pakistani authorities after he filed a complaint with the police as well as a habeas corpus petition on behalf of his relatives who were believed to have been arrested and to be detained incommunicado. According to the information received by the Special Rapporteur, Tariq Hasan was particularly warned by a police officer that bringing the situation to the attention of human rights organizations could have serious consequences for him.

C. Special Rapporteur on Torture

12. The Special Rapporteur on Torture undertook a mission to Pakistan from 23 February to 3 March 1996. During this mission he met, inter alia, with Justice Nizam Ahmed, a former judge of the Sindh High Court. The Special Rapporteur was disturbed to learn that after his departure from Karachi, Justice Nizam Ahmed was questioned by security officials concerning the nature of his discussions with the Special Rapporteur (see E/CN.4/1997/7/Add.2).

D. Working Group on Enforced or Involuntary Disappearances

13. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

14. In this context, the Working Group sent urgent communications to Governments, urging the authorities to adopt protection measures, in cases in which relatives of missing persons or other individuals or organizations which have cooperated with the Working Group, as well as their legal counsel, were being subjected to intimidation, persecution or reprisals, in accordance with resolution 1996/70. In such cases, the Working Group requested to be informed of investigations carried out and protection measures adopted (see E/CN.4/1997/34).

1. Argentina

15. In accordance with its prompt intervention procedure, the Working Group sent a prompt intervention cable on 2 May 1996, requesting the Government of Argentina to ensure the protection of the basic human rights of six members of the group Hijos por la Identidad y la Justicia contra el Olvido y el Silencio,

composed of children of victims of disappearances and other human rights violations, who were reportedly subjected to intimidation by members of the security forces.

2. Brazil

16. In accordance with its prompt intervention procedure, the Working Group sent a fax on 9 August 1996 to the Government of Brazil requesting that it ensure the protection of the basic human rights of a witness to a case of disappearance. The witness was reportedly subjected to death threats following her testimony, which is said to have resulted in the initiation of proceedings against eight police officers.

3. Colombia

17. The Working Group sent a prompt intervention cable to the Government of Colombia on 19 January 1996 on behalf of persons who had allegedly been subjected to acts of intimidation or harassment. They included members of the Asociación de Familiares de Detenidos Desaparecidos; relatives of two missing persons who, after the killing of one member of the family, had been making inquiries into the whereabouts of the disappeared; and witnesses to the arrest of a person who subsequently disappeared, who had given testimony before the judicial authorities.

E. Special Representative on the situation of human rights in the Islamic Republic of Iran

18. In his report to the General Assembly (A/51/479, annex and Add.1), the Special Representative referred to the execution on 22 June 1996 of Mr. Mehrdad Kalany, sentenced to death on charges of, inter alia, "meeting and talking with Mr. Galindo Pohl and the accompanying delegation". In a letter dated 11 June 1996, the Special Representative reminded the Government of the terms of reference for fact-finding missions by representatives and rapporteurs of United Nations human rights bodies and referred to Commission on Human Rights resolution 1996/70. On 9 August 1996 the Special Representative again wrote to the Government requesting detailed information on the circumstances of the trial and execution of Mr. Kalany.

19. As mentioned in the Special Representative's report to the General Assembly, the Government of the Islamic Republic of Iran stated that the allegations were false, and that no one had been punished on the charge of meeting with the former Special Representative. Mr. Kalani had been convicted of activities against national security and active participation in the Mojaheddin Khalgh Organization's military operations against the Islamic Republic of Iran from Iraq.

F. Special Rapporteur on the situation of human rights in Zaire

20. The Special Rapporteur was informed that, on 28 October 1996, the President of the non-governmental organiation Voix des sans voix, Floribert Chebeya Bahizire, together with two other members of the organization, Haroun Mbongo Ngudja and Benjamin Bashi Nabukuli, were reportedly arrested by members of the Service d'action et renseignements militaires (SARM) of Kintambo, Kinshasa. Reportedly, these three persons had been inquiring about the human rights situation in eastern Zaire. Three days before his arrest,

Floribert Chebeya had met with the Special Rapporteur in Kinshasa while the latter was undertaking a mission to the country (see E/CN.4/1997/6 and Add.1).

G. Special Representative of the Secretary-General on internally displaced persons

21. In his report to the General Assembly regarding his mission to Tajikistan (A/51/483/Add.1, annex), the Special Representative made reference to a case of reprisals against the Pamiri population in a village of returnees. In his report it is stated that:

> "(...) it was apparent that those who spoke out, were afraid to do so. Several stated that they were convinced that they were going to be punished afterwards for having told the Representative about their problems. He was told that they had been threatened in advance of his meeting with them by a local official of Kulyabi origin, who had said that they should not voice complaints or otherwise they would be arrested" (para. 81).